

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: THOMAS J. HIGGINS	:	
	:	
Debtor	:	Bk. No. 09-13885 JKF
	:	
NATIONAL CITY MORTGAGE COMPANY D/B/A	:	Chapter No. 13
ACCUBANC MORTGAGE	:	
	:	
Movant	:	
	:	
v.	:	
	:	11 U.S.C. §362
THOMAS J. HIGGINS	:	
	:	
Respondent	:	

**OBJECTION OF NATIONAL CITY MORTGAGE COMPANY D/B/A ACCUBANC
MORTGAGE TO CONFIRMATION OF THE DEBTOR'S CHAPTER 13 PLAN**

Movant, **NATIONAL CITY MORTGAGE COMPANY D/B/A ACCUBANC MORTGAGE** (hereinafter referred to as "Movant"), by its attorneys Phelan Hallinan & Schmieg, LLP hereby objects to confirmation of the Debtor's Chapter 13 Plan as follows:

1. Movant is **NATIONAL CITY MORTGAGE COMPANY D/B/A ACCUBANC MORTGAGE**.
2. Debtor is THOMAS J. HIGGINS.
3. Movant filed a Proof of Claim in the amount of \$24,153.57 for pre-petition arrears. A copy of the Proof of Claim is attached hereto as Exhibit "A" and made a part hereof.
4. Debtor's Plan fails to cure the delinquency pursuant to 11 U.S.C. §1322(b)(5).
5. Debtor's Plan currently provides for payment to Movant in the amount of \$18,559.45. A copy of Debtor's Plan is attached hereto as Exhibit "B" and made a part hereof.

WHEREFORE, **NATIONAL CITY MORTGAGE COMPANY D/B/A ACCUBANC MORTGAGE** respectfully requests that this Honorable Court deny confirmation of the Debtor's Chapter 13 Plan.

Respectfully submitted,

/s/ Peter J. Mulcahy, ESQUIRE
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Dated: August 13, 2009